REMARKS

Reconsideration of this application is respectfully requested.

Claim 32 has been rejected under 35 U.S.C. 112, first paragraph on the ground that the specification does not enable any person skilled in the art to prepare a composition for prevention of exacerbartion and/or prevention of any disease comprising L-arginine, ethanolamine, 1, 3-butyleneglycol and an antiphologistic agent.

This rejection is respectfully traversed since claim 32 does not refer to "any disease" as indicated in the rejection but only to atopic dermatitis. Furthermore, with regard to the prevention, prevention of exacerbation or treatment of atopic dermatitis as recited in claim 32, it is submitted that the specification has an adequate disclosure of this function of the claimed composition. Thus, Test Example 13 on pages 46-49 and Test Example 14 on pages 49-51 of the specification refer to clinical test results on atopic skin associated with atopic dermatitis. The samples of these tests employ a cream preparation containing the preparation of Example 3 (which contains L-arginine and ethanolamine), dipotassium glycyrrhetinate (anti-inflammatory agent) and 1, 3-butyleneglycol. It is believed that these test results coupled with the compositions disclosed and the background knowledge in the art of skin conditioners and treatments, provide adequate enablement for the compositions

of claim 32, similar to the enablement of skin conditioner compositions broadly, as admitted in the rejection stated in the Office Action.

More specifically, it is noted that the atopic skin mentioned on page 46, line 4 from the bottom of and page 48, line 9 from the bottom of the specification means a skin susceptible to the induction of dermatitis located near the affected area of atopic dermatitis patients as mentioned on page 48, lines 10-8 from the bottom of the specification. In atopic skin, abnormalities such as lowering of skin barrier function, lowering of water-content maintaining ability to skin, etc. are well-known, and the skin is in a state such that invasion by an antigen or allergen is more likely. Also, it is known that such an invasion may cause atopic dermatitis. Accordingly, by improving the state of the atopic skin, atopic dermatitis can be prevented.

It is submitted, therefore, that since improved effects on atopic skin are clinically shown in Test Examples 13 and 14 as discussed above, indicating a preventive effect on atopic dermatitis, the composition of claim 32 is supported by the disclosure and the rejection under 35 U.S.C. 112, first paragraph, should be withdrawn.

Claims 23-38 and 41-47 have been rejected under 35 U.S.C. 102 (e) as being anticipated by Yoshioka et al as evidenced by Pearson et al. It is noted that, contrary to the statement in the Office Action, Yoshioka does not appear to

disclose that free ethanolamine is present in any of the described compositions. In this connection, it is believed that lauryl sulfate ethanolamine disclosed by Yoshioka at col. 8, lines 57-58, wherein ethanolamine forms the cation of an anionic surfactant salt, is not the same as the free ethanolamine recited in present claim 23, and has a different function. Furthermore, it has long been held that the disclosure in a prior art reference of long lists of possible agents that may be present in a contemplated composition, such as are disclosed in Yoshioka at col. 8 lines 54-67, col. 9 lines 1-35, and col. 17 lines 23-34, relied on in the Office Action, does not alone anticipate every possible combination of such agents under 35 U.S.C. 102. Therefore, even aside from the absence of free ethanolamine from the disclosure of Yoshioka, it is submitted that the disclosure in this reference of L-arginine at col. 9 line 31 for cosmetic compositions generally, and the disclosure of anti-inflammatory agents at col. 17, line 27 for permanent waving compositions, does not anticipate the specific combination of L-arginine and anti-inflammatory agent, in view of the extremely large number of possible combinations of the disclosed agents and the different intended uses of the compounds.

With regard to claim 43-47, applicants take issue with the position expressed in the Office Action that a statement of intended use of a composition (as distinguished from a compound or groups of specific compounds) does not

create a structural difference between the claimed composition and the prior art. Thus, the background of art may indicate, as it believed to do in this instance, that different intended uses of a composition imply that the recited compound is combined with different components depending on the background knowledge of the type of composition for each use. Therefore, compositions containing the same compound are generally different for different uses.

For the foregoing reasons, the rejection under 35 U.S.C. 102(e) is believed to be not taken and should be withdrawn.

Claims 23-37 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka et al. in view of Ikemoto et al. as evidenced by Pearson et al. Specifically, Yoshioka is relied for the same reasons as those previously described for the rejection based on anticipation under 35 U.S.C. 102, and Ikemoto is relied on for its disclosure of 1, 3-butyleneglycol. In this connection, it is noted that Yoshioka also discloses 1, 3-butyleneglycol at col. 9 lines 28-29.

This rejection is respectfully traversed based on reasons similar to those given above against the rejection of claims as anticipated under 35 U.S.C. 102, namely that, contrary to an assumption underlying the rejection, Yoshioka does not disclose free ethanolamine, and that there is a very low probability that a person having ordinary skill in the art would be led to use both L-argenine and

an anti-inflammatory agent in a single composition without undue experimentation in view of the immense number of possible combinations of the disclosed agents and the different end uses of the compositions containing the compounds.

Applicant respectfully requests a three month extension of time for responding to the Office Action. The fee of $510.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

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